

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

REYMUNDO C. ARREDONDO
CASTRO,

Plaintiff,

v.

LUCKY RENTAL TOOL, LLC,

Defendant.

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Civil Action No. 7:21-cv-00176

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, REYMUNDO C. ARREDONDO CASTRO, by and through undersigned counsel, files this civil action Complaint and Jury Demand ("Complaint") against Defendant Lucky Rental Tool, LLC ("Defendant"). The following allegations are based on personal knowledge as to Plaintiff's own conduct and on information and belief as to the acts of others.

A. PARTIES

1. Defendant, Lucky Rental Tool, LLC, is a New Mexico limited liability corporation existing under the laws of the State of New Mexico with its principal place of business in Hobbs, New Mexico. Defendant

does business in the State of New Mexico and the State of Texas and may be served with process through its registered agent, Scotty Holloman, 108 W. Clearfork, Hobbs, New Mexico 88240.

B. JURISDICTION

2. This Honorable Court has original jurisdiction over this action pursuant to ADEA, 29 U.S.C. § 621 *et seq.*, including incorporated provisions of the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 *et seq.* Plaintiff was employed as a Reverse Unit Operator/Down-Hole Tool Fisherman with Defendant, a corporation doing business within the territorial jurisdiction of the Court.

C. VENUE

3. Venue is proper in the Western District of Texas because Plaintiff's cause of action arose within this District in that a substantial part of the acts and omissions giving rise to the claims in this case occurred in this District. Venue is also proper in this District because the Defendant is subject to personal jurisdiction therein by virtue of their substantial, continuous, and systematic commercial activities in this District. *See* 28 U.S.C. § 1391(b), (c).

D. EXHAUSTION OF ADMINISTRATIVE REMEDIES

4. Plaintiff timely filed a charge of discrimination against defendant with the Equal Employment Opportunity Commission (EEOC). Plaintiff files this complaint within 90 days after receiving a notice of the right to sue from the EEOC. A copy of the notice of the right to sue is attached at Exhibit A.

E. DISCRIMINATION UNDER THE ADEA

5. Plaintiff is an employee within the meaning of the ADEA and belongs to the class of employees protected under the statute, namely, employees over the age of 40.

G. FACTUAL ALLEGATIONS

6. Plaintiff, Reymundo C. Arredondo Castro, 60 years old, was employed by Lucky Rental Tool in Midland, Texas, as a Reverse Unit Operator/Down - Hole Tool Fisherman for approximately one (1) year. Mr. Arredondo was 58 years old when he was terminated.

7. Prior to his termination, Mr. Arredondo worked for the defendant, Lucky Rental Tool located at 10210 State Highway 191, Midland, Texas 79707. Plaintiff was scheduled to work from 7:00 am to 7:00 pm, Monday through Friday.

8. On July 31, 2019, Plaintiff's supervisor, Terry Godwen, in the course and scope of his employment with Defendant, fired Plaintiff via text message, explaining that "maybe you are too old to do this anymore maybe try counseling". Please see attached excerpt of text message exchange attached as Exhibit B.

H. DAMAGES

9. As a direct and approximate result of defendant's conduct, Plaintiff suffered the following damages.

a. Plaintiff was discharged from employment with defendant. Although Plaintiff has diligently sought other employment, he has been unable to find a job at a comparable pay. In addition, Plaintiff has incurred expenses in seeking other employment. He has suffered a financial loss with his family, household, and his livelihood.

b. Defendant's conduct was an intentional and willful violation of the ADEA. Plaintiff is entitled to an award of liquidated damages within the meaning of the ADEA and the FLSA.

I. ATTORNEY FEES

10. Plaintiff is entitled to an award of attorney fees and costs under the ADEA.

TRIAL BY JURY DEMAND

11. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff respectfully demands a trial by jury in this action on all issues triable by jury, for which the fee has been properly and timely tendered.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff, REYMUNDO C. ARREDONDO CASTRO respectfully demands judgment of and against Defendant, for, upon final trial, compensatory and exemplary damages as set forth above, pre-judgment and post-judgment interest as allowed by law, court costs, and any other relief, at law or in equity, general or special, to which Plaintiff may be justly entitled.

Respectfully submitted,

SPURGIN LAW GROUP

Attorneys for Plaintiff

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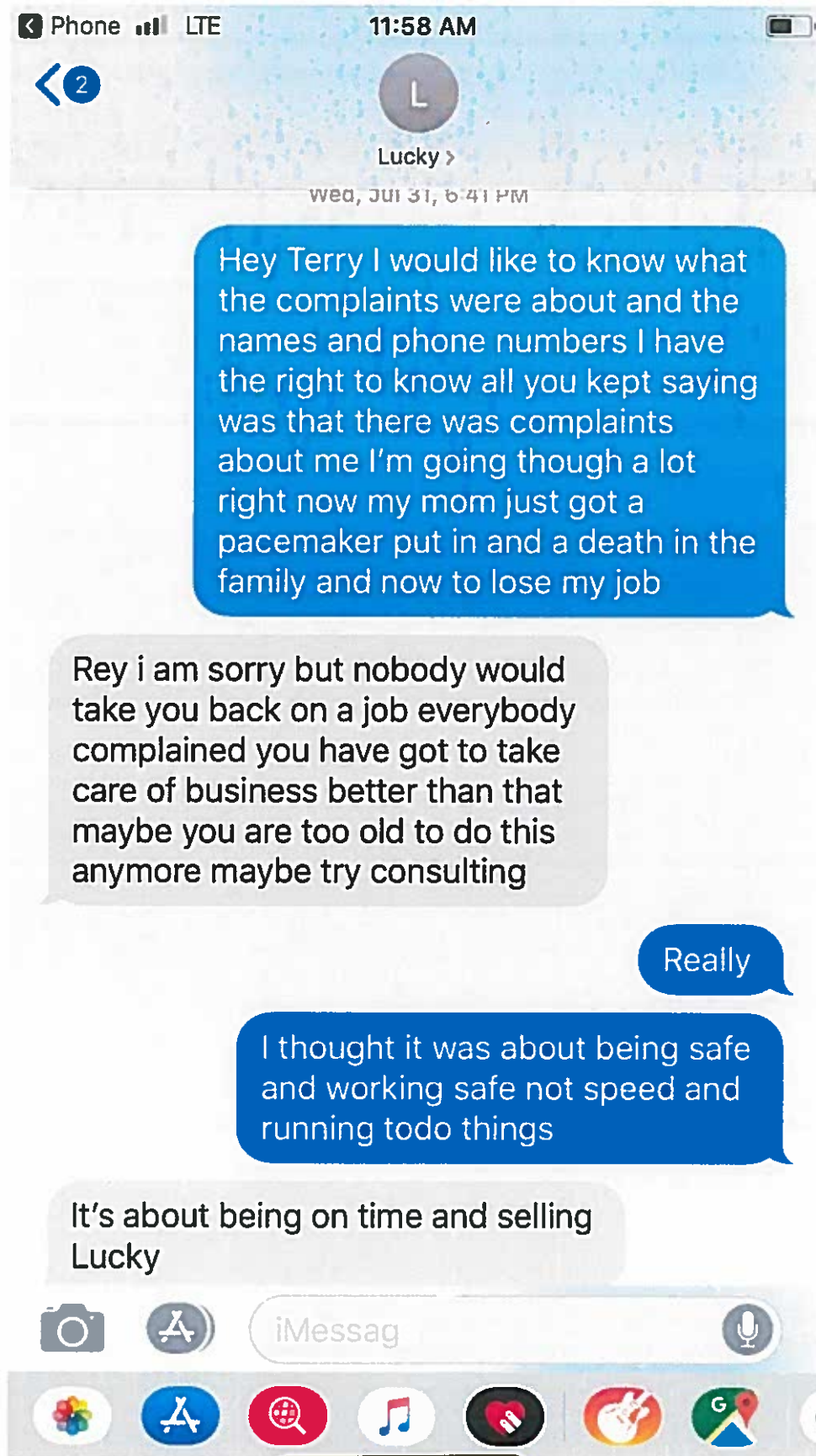


STEPHEN W. SURGIN

Bar No. 18974350

FREDRICK C. HUTTERER III

Bar No. 24100492



Hey Terry I would like to know what the complaints were about and the names and phone numbers I have the right to know all you kept saying was that there was complaints about me I'm going through a lot right now my mom just got a pacemaker put in and a death in the family and now to lose my job

Rey i am sorry but nobody would take you back on a job everybody complained you have got to take care of business better than that maybe you are too old to do this anymore maybe try consulting

Really

I thought it was about being safe and working safe not speed and running todo things

It's about being on time and selling Lucky

EXHIBIT

A

tabbles

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Reymundo C. Arredondo Castro**
6327 Glevhaven Dr
Odessa, TX 79762

From: **El Paso Area Office**
100 N. Stanton St.
6th Floor, Suite 600
El Paso, TX 79901

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.

EEOC Representative

Telephone No.

453-2020-00311

Roxana LaMotte,
Investigator

(915) 995-8841

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

ELIZABETH PORRAS Digitally signed by ELIZABETH PORRAS
Date: 2021.07.04 13:35:37 -0600

for

07/07/2021

Enclosures(s)

Ligita D. Landry,
Area Director

(Date Issued)

cc:

Perla Mojica
HR Representative
LUCKY RENTAL TOOL INC.
7103 N FM 1788
Midland, TX 79707

Stephen Spurgin
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